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FISCAL IMPACT STATEMENT

LS 6849

BILL NUMBER: SB 562

NOTE PREPARED: Jan 9, 2013

BILL AMENDED:

SUBJECT: Swimming During Rip Current Warnings.

FIRST AUTHOR: Sen. Arnold J

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a governmental entity that owns or operates an access area to a beach on Lake Michigan to post and maintain signs that: (1) advise that swimming is not allowed when the National Weather Service has issued a high risk rip current warning that is in effect for the beach; and (2) include information explaining rip currents. It requires the Natural Resources Commission to adopt standards for the rip current warning signs.

The bill also makes it an infraction (for which a monetary penalty may be imposed) to swim or to allow certain individuals to swim when a rip current warning is in effect. It provides an exception for a person who uses a surfboard, kayak, sailboard, or windsurfing board and wears a life jacket or wetsuit. It also raises the level of the infraction committed in the case of: (1) repeated violations; and (2) violations that result in severe bodily injury or death.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Natural Resources Commission* - The Natural Resources Commission will be required to adopt standards for the signs and information on the signs posted at Lake Michigan beaches under this bill. The bill's requirements are within the agency's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Explanation of State Revenues: *Penalty Provision* - The bill makes it a Class C infraction if an individual swims in Lake Michigan when a high risk rip current warning is in effect. If additional court cases occur and

infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

If an individual in violation of the provisions of the bill has committed a prior infraction or if the individual is the parent or supervising adult of a child under 18 or an endangered adult, the penalty is increased to a Class B infraction. If a violation has been committed by a parent or supervising adult who has committed a prior infraction under this bill, the penalty is increased to a Class A infraction. The maximum judgment for a Class B infraction is \$1,000, which would be deposited in the state General Fund. The maximum judgment for a Class A infraction is \$10,000, which would be deposited in the state General Fund.

Explanation of Local Expenditures: *Entities That Own or Operate Access Areas* - Local units that own or operate access areas to beaches on Lake Michigan will be required to post and maintain signs that advise that swimming is not allowed during a high risk rip current warning and that provide information explaining rip currents. This bill will increase expenditures of the local entities that are required to post and maintain these signs. Prices of outdoor signs vary, but typically cost approximately \$100 to \$500, depending on size and material.

Explanation of Local Revenues: *Penalty Provision* - If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected: Natural Resources Commission, Department of Natural Resources.

Local Agencies Affected: Counties, townships, cities, towns, or any other entity that owns or operates an access area to a beach on Lake Michigan; Trial courts, local law enforcement agencies.

Information Sources:

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